

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 6315**

**BILL NUMBER:** HB 1709

**DATE PREPARED:** Nov 20, 2000

**BILL AMENDED:**

**SUBJECT:** Whistle Blower Protections for DOC Employees.

**FISCAL ANALYST:** Mark Goodpaster

**PHONE NUMBER:** 232-9852

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State

**Summary of Legislation:** This bill includes employees of the Department of Correction (DOC) who report violations of department directives, policies, or other internal guidelines within the scope of the current whistle blower statute. The bill defines "employer" for purposes of enforcing the whistle blower statute. (The introduced version of this bill was prepared by the Corrections Matters Evaluation Committee.)

**Effective Date:** July 1, 2001.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** Under current law, employers commit a Class A infraction if they unjustly dismiss, withhold salary increases, reassign, transfer, deny a promotion, or demote a person for reporting in writing any violations of federal, state, or local laws or regulations. This bill would add to this list sanctions against any employer who reports in writing a violation of a rule or policy of a correctional facility.

Also, under current law, the term "employer" is not defined. This bill would define an employer as either an individual or individuals who unjustly: dismiss, withhold salary increases, reassign, transfer, deny a promotion, or demote a person for reporting a violation.

If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class A infraction is \$10,000 which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**